

Alabama Board of Cosmetology and Barbering (formerly the Alabama Board of Cosmetology)



Functional Analysis & Records Disposition Authority

**Revision
Presented to the
State Records Commission
July 21, 2004**

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Functional and Organizational Analysis of the Alabama Board of Cosmetology

Sources of Information

- Representatives of the Alabama Board of Cosmetology:
 - David B. Starnes, Executive Director
- Code of Alabama 1975 § 34-7-1 through 34-7-47
- Code of Alabama 1975 § 41-20-3 (Sunset Law)
- Alabama Administrative Code Chapters 250-X-1 through 250-X-8
- Alabama Board of Cosmetology Audit Report (1998)
- Alabama Government Manual (1994)
- Government Records Division, Alabama Board of Cosmetology Records Retention Schedules
- Government Records Division, State Agency Files (1985-ongoing)
- Holdings of the Department of Archives and History

Historical Context

The state legislature established the board in 1957 to examine and license cosmetologists and to supervise the profession and practice of cosmetology. The profession was not regulated prior to the creation of the board. The legislature established a separate board, the Alabama Board of Barber Examiners, in 1971 to regulate the barbering practice. That board was abolished in 1982. The legislature continued the existence of the Board of Cosmetology following sunset reviews in 1981, 1984, 1988, 1992, 1996, and 1997. The most recent legislation (Legislative Act No. 97-224) terminated the terms of all board members and provided a mechanism for the governor to appoint new board members with the advice and consent of the Senate. The act also removed appointment authority for the executive director from the board. The governor now appoints the executive director.

Agency Organization

The board consists of seven members appointed by the governor, with the advice and consent of the senate, one from each congressional district. At least five members of the board must be active, licensed master cosmetologists or instructors in cosmetology. The other two members may be consumers. All board members serve only one term of four years. Members of the board elect annually a president, a secretary, and a treasurer. The governor appoints the executive director of the board, who serves at the pleasure of the governor. An organizational chart is attached.

Agency Function and Subfunctions

The mandated function of the Alabama Board of Cosmetology is to examine and license applicants as cosmetologists, and to supervise the profession and practice of cosmetology. It is

one of the agencies primarily involved in carrying out the Regulatory function of Alabama government.

In the performance of its mandated functions, the board may engage in the following subfunctions:

- **Promulgating Rules and Regulations.** The Code of Alabama 1975 § 34-7-40, specifies that the board is authorized to promulgate, publish, and distribute rules and regulations for the administration of laws relating to cosmetology. This subfunction encompasses activities pertaining to the establishment and promulgation of rules and regulations by the board for carrying out its duties and responsibilities.
- **Examining and Licensing.** The Code of Alabama 1975 § 34-7-4 authorizes the board to examine and license applicants as cosmetologists, manicurists, managing cosmetologists, instructors of cosmetology, estheticians, managing estheticians, or esthetician instructors. Any applicant desiring to obtain a particular type of license must meet all requirements pertaining to education/training and pass both written and practical examinations. The board may issue a temporary permit to an apprentice working in a beauty shop or to a student enrolled in a school of cosmetology or a school for estheticians. All licenses issued by the board, except temporary permits, expire every two years and are renewable upon payment of required biennial renewal fees.

The Code of Alabama 1975 § 34-7-5 mandates that all beauty shops, esthetician salons, schools of cosmetology, and schools for estheticians must apply for a proper license from the board before engaging in any business transaction. The board reviews the applications, inspects the facilities, and issues licenses to those firms that meet the licensure requirements. All institutional licenses are renewable biennially.

- **Conducting Investigations and Hearings.** In accordance with the board's Administrative Code Chapter 250-X-3-.23, the board may initiate investigations against a licensee (cosmetologist, beauty shop, or school) on the complaint of any person. Depending on the results of the board's investigation, the board may reach informal settlements with the licensee or may take other disciplinary actions such as suspension or revocation of the license to practice.
- **Administering Internal Operations.** A significant portion of the agency's work includes general administrative, financial, and personnel activities performed to support its programmatic areas including:

Managing the Agency: Activities include internal office management activities common to most government agencies such as corresponding and communicating, scheduling, meeting, documenting policy and procedures, reporting, litigating, legislating (drafting, tracking), publicizing and providing information, managing records, and managing information systems and technology.

Managing Finances: Activities include budgeting (preparing and reviewing budget

package, submitting the budget package to the Department of Finance, documenting amendments and performance of the budget); purchasing (requisitioning and purchasing supplies and equipment, receipting and invoicing for goods, and authorizing payment for products received); accounting for the expenditure, encumbrance, disbursement, and reconciliation of funds within the agency's budget through a uniform system of accounting and reporting; authorizing travel; contracting with companies or individuals; bidding for products and services; and assisting in the audit process.

Managing Human Resources: Activities include recruiting and hiring eligible individuals to fill positions within the agency; providing compensation to employees; providing benefits to employees such as leave, health insurance, unemployment compensation, worker's compensation, injury compensation, retirement, and death benefits; supervising employees by evaluating performance, granting leave, and monitoring the accumulation of leave; training and providing continuing education for employees; and disciplining.

Managing Properties, Facilities, and Resources: Activities include inventorying and accounting for non-consumable property and reporting property information to the appropriate authority; leasing and/or renting offices or facilities; providing security for property managed by the agency; insuring property; and assigning, inspecting and maintaining agency property, including vehicles.

Analysis of Record Keeping System and Records Appraisal of the Alabama Board of Cosmetology

Agency Record Keeping System

The Alabama Board of Cosmetology currently operates a hybrid record keeping system composed of paper, micrographic, and electronic records.

Paper-based Systems: The board creates and maintains most of its records, such as various application forms and correspondence, in paper form. The board extracts some data from paper records and compiles the data in the board's computer system.

Computer Systems: The board's License Applications System is a computer database system residing in the state's mainframe to assist the board staff in documenting transactions relating to licensees. All licensee data is entered into and stored on the mainframe in Database 2 (DB2) tables. The system uses the Customer Information Control System (CICS) as a user interface. The board staff members enter information into the system and request printed output via on-line programs. Staff members of the Information Services Division (ISD), Department of Finance, are responsible for running weekly backups of all data tables. Information is backed up on cartridges and stored at ISD. The agency has a website at www.aboc.state.al.us. Information on this site includes application forms, board meeting information, fees, schedule of events, board meeting minutes, the ABOC newsletter and a list of board members.

Micrographics: The board had contracted with the State Department of Public Health to microfilm its licensure files. The board placed microfilms in jackets for reference. The board terminated the microfilm project in 1995 but may film again in the future. Staff members who were responsible for micrographic activities are no longer employed by the board. There is no finding aid in place to access the microfilm.

Records Appraisal

The following is a discussion of the two major categories of records created and/or maintained by the Alabama Board of Cosmetology: Temporary Records and Permanent Records.

I. Temporary Records. Temporary records should be held for what is considered their active life and be disposed of once all fiscal, legal, and administrative requirements have been met. Some of the temporary records created by the board are discussed below:

- **Application for Examination Files.** Upon the completion of the required course work at a licensed school of cosmetology or a school for estheticians, a student must apply for examination in order to be licensed as a cosmetologist, manicurist, or esthetician instructor. This series contains records transferred from the Temporary Student Permit Files (those students who completed the coursework and applied for examination), school graduation documents, and applications for examination. Staff members forward the files to the Licensure Files once the student passes the examination. Otherwise staff members

maintain the files for three years before destruction.

- **Individual Licensure Files.** The board is responsible for examining and licensing applicants as cosmetologists, managing cosmetologists, instructors of cosmetology, manicurists, estheticians, managing estheticians, or esthetician instructors. These files serve as evidence of the scope of a licensee's professional practice in this state from initial application for licensure to the final separation. The board maintains the files long enough to cover the individual licensee's average career span as staff members may reference the files from time to time for licensing, revocation, and reinstatement purposes. A retention of seven years after the last renewal is sufficient to meet the audit review requirements and the general statute of limitations for tort suits as provided in the Code of Alabama 1975 § 6-2-38. This series includes records transferred from the Application for Examination Files (for students that passed the examination).
- **Institutional Licensure Files.** All beauty shops, esthetician salons, schools of cosmetology, and schools for estheticians must apply for a proper license from the board before engaging in any business transaction. The board reviews the applications, inspects the facilities, and issues licenses to those firms that meet the licensure requirements. The board creates the files to document its efforts in examining and licensing applicants for institutional licenses. The board maintains the files for seven years after closure to fulfill audit requirements and the general statute of limitations for tort suits as provided in the Code of Alabama 1975 § 6-2-38.

II. Permanent Records. The Government Records Division recommends the following records as permanent.

Promulgating Rules and Regulations

- **Published Rules and Regulations.** The Code of Alabama 1975 § 34-7-40 (c), requires the board to promulgate and publish all its rules and regulations for distribution to licensees and the general public. All licensees must retain copies of the board's rules and regulations for review by the general public. These published rules and regulations are reproductions of related sections of the Code of Alabama and the Alabama Administrative Code. The rules and regulations serve as the foundation for the board's regulatory process. **(Bibliographic Title: Rules and Regulations)**
- **Meeting Minutes of the Board.** The Code of Alabama 1975 § 34-7-44 mandates the board to keep a permanent record of its proceedings. The meeting minutes document the board's decisions relating to the approval or denial of applications for licensure and other disciplinary actions. These records are the best source of information about the functions of the board and the creation of its policy. **(Bibliographic Title: Meeting Minutes)**

Examining and Licensing

- **Annual Registers.** The Code of Alabama 1975 § 34-7-44, requires the board to maintain an annual register showing names of applicants, names and locations of their places of

occupation or businesses, and whether the applicants were granted or refused licenses. Staff members of the board currently maintain the register in the board's computer database system and only create printout copies upon request. **(Bibliographic Title: Annual Registers)**

- **Licensure Examination Questions (Created Before 2000).** The board creates questions to be used in the examination of the cosmetology licensure candidates. This series is necessary in documenting the change in focus of testing for licensure over time. **(Bibliographic Title: Exams and Answers for State Licensure)**

Conducting Investigations and Hearings

The agency currently creates no permanent records under this subfunction.

Administering Internal Operations

- **Administrative Correspondence.** These records include correspondence with state officials, legal/advisory opinion correspondence, correspondence between the board and the director, and correspondence between the Alabama Board of Cosmetology and other state agencies. Because the records document the policies and procedures of the agency and how it interacts with other agencies/boards, the records are deemed permanent. **(Bibliographic Title: Administrative Correspondence)**
- **Informational Publications.** These publications document the board's efforts in communicating with the public regarding board member information, fees, law changes, local associations, exam and board meeting dates, and continuing education information. The board currently publishes an ABOC Newsletter from time to time. **(Bibliographic Title: Informational Publications)**

Permanent Records List Alabama Board of Cosmetology

Promulgating Rules and Regulations

1. Published Rules and Regulations
2. Meeting Minutes of the Board

Examining and Licensing

1. Annual Registers*
2. Licensure Examination Questions (Created Before 2000)

Administering Internal Operations

1. Administrative Correspondence
2. Informational Publications

*indicates records that ADAH anticipates will remain in the care and custody of the creating agency.

ADAH staff members are available to work with agency staff in determining the best location and storage conditions for the long-term care and maintenance of permanent records.

Alabama Board of Cosmetology Records Disposition Authority

This Records Disposition Authority (RDA) is issued by the State Records Commission under the authority granted by the Code of Alabama 1975 § 41-13-5 and § 41-13-20 through 21. It was compiled by the Government Records Division, Alabama Department of Archives and History (ADAH), which serves as the commission's staff, in cooperation with representatives of the Alabama Board of Cosmetology. The RDA lists records created and maintained by the Alabama Board of Cosmetology in carrying out its mandated functions and activities. It establishes retention periods and disposition instructions for those records and provides the legal authority for the agency to implement records destruction.

Alabama law requires public officials to create and maintain records that document the business of their offices. These records must be protected from "mutilation, loss, or destruction," so that they may be transferred to an official's successor in office and made available to members of the public. Records must also be kept in accordance with auditing standards approved by the Examiners of Public Accounts (Code of Alabama 1975 § 36-12-2, § 36-12-4, and § 41-5-23). For assistance in implementing this RDA, or for advice on records disposition or other records management concerns, contact the ADAH Government Records Division at (334) 242-4452.

Explanation of Records Requirements

- This RDA supersedes any previous records disposition schedules governing the retention of the Alabama Board of Cosmetology records. Copies of superseded schedules are no longer valid and should be discarded.
- The RDA establishes retention and disposition instructions for records listed below, regardless of the medium on which those records may be kept.
- Electronic mail is a communications tool that may record permanent or temporary information. As for records in any other format, the retention periods for e-mail records are governed by the requirements of the subfunctions to which the records belong.
- Some temporary records listed under the Administering Internal Operations subfunction of this RDA represent duplicate copies of records listed for long-term or permanent retention in the RDAs of other agencies.
- Certain records and records-related materials need not be retained as records under the disposition requirements in this RDA. Such materials include: (1) duplicate record copies that do not require official action, so long as the creating office maintains the original record for the period required; (2) catalogs, trade journals, and other publications received that require no action and do not document government activities; (3) stocks of blank stationery, blank forms, or other surplus materials that are not subject to audit and have become obsolete; (4) transitory records, which are temporary records created for short-term, internal purposes that may include, but are not limited to: telephone call-back

messages; drafts of ordinary documents not needed for their evidential value; copies of material sent for information purposes but not needed by the receiving office for future business; and internal communications about social activities; and (5) honorary materials, plaques, awards, presentations, certificates, and gifts received or maintained by the agency staff.. They may be disposed of without documentation of destruction.

Records Disposition Requirements

This section of the RDA is arranged by subfunctions of the Alabama Board of Cosmetology and lists the groups of records created and/or maintained by the board as a result of activities and transactions performed in carrying out these subfunctions. The board may submit requests to revise specific records disposition requirements to the State Records Commission for consideration at its regular quarterly meetings.

Promulgating Rules and Regulations

PUBLISHED RULES AND REGULATIONS

Disposition: PERMANENT RECORD.

MEETING MINUTES OF THE BOARD

Disposition: PERMANENT RECORD.

Administrative Procedures Rule Filings

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

REGISTER OF ADMINISTRATIVE RULE FILINGS

Disposition: PERMANENT RECORD. Retain in office (Code of Alabama 1975 § 41-22-6).

Examining and Licensing

ANNUAL REGISTERS

Disposition: PERMANENT RECORD.

Temporary Student Permit Files (students that did not complete course work)

Disposition: Temporary Record. Retain 3 years after the effective date of the temporary license.

Application for Examination Files (students who did not pass)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the student graduated.

Practical Examination Files (student examinations and score sheets)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

LICENSURE EXAMINATION QUESTIONS (Created Before 2000)

Disposition: PERMANENT RECORD. Retain one copy of each examination questions.

Individual Licensure Files

Disposition: Temporary Record. Retain 7 years after the end of the fiscal year in which the license was last renewed.

Institutional Licensure Files

Disposition: Temporary Record. Retain 7 years after the end of the fiscal year in which the institution was closed.

Licensure File Database

Disposition: Temporary Record. Retain for useful life.

Licensure Application Database

Disposition: Temporary Record. Retain for useful life.

Conducting Investigations and Hearings

Complaint Files

Disposition: Temporary Record. Retain 7 years after the end of the fiscal year in which the license was last renewed.

Complaint Files Not Resulting in Formal Disciplinary Actions

Disposition: Temporary Record. Retain 7 years after the end of the fiscal year in which the records were created.

Administering Internal Operations: Managing the Agency

ADMINISTRATIVE CORRESPONDENCE

Disposition: PERMANENT RECORD.

INFORMATIONAL PUBLICATIONS

Disposition: PERMANENT RECORD.

Routine Correspondence

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Printing Service Request Files

Disposition: Temporary Record. Retain until receipt of printed material.

Administrative Reference Files

Disposition: Temporary Record. Retain for useful life.

Records documenting the implementation of the agency's RDA (copies of transmittals forms to Archives or State Records Center, evidence of records destroyed, annual reports to State Records Commission)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Copies of Approved RDA

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the RDA is superseded.

Computer systems documentation (hardware/software manuals and diskettes, warranties, records of access/authorities, file naming conventions, Y2K records)

Disposition: Temporary Record. Retain documentation of former system 3 years after the end of the fiscal year in which the former hardware and software no longer exists anywhere in the agency and all permanent records have been migrated to a new system.

Printouts of Acknowledgment from the Secretary of State Relating to Notices of Meetings Posted by State Agencies

Disposition: Temporary Record. Retain 3 years.

Administering Internal Operations: Managing Finances

Records documenting the preparation of a budget request package and reporting of the status of funds, requesting amendments of allotments, and reporting program performance

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Records documenting the requisitioning and purchasing of supplies and equipment, receipting and invoicing for goods, and authorizing payment for products

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Records of original entry such as journals, registers, and ledgers; and records of funds deposited outside the state treasury

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Records documenting requests for authorization from supervisors to travel on official business and other related materials, such as travel reimbursement forms and itineraries

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Records documenting contracts for services or personal property

Disposition: Temporary Record. Retain 6 years after expiration of the contract.

Records documenting the bid process, including requests for proposals and unsuccessful responses

- a. Original Bid Records Maintained in the Purchasing Office of the Agency for Contracts over \$7500
Disposition: Temporary Record. Retain 7 years after the end of the fiscal year in which the bids were opened.
- b. Duplicate copies of bid (where originals are maintained by the Finance Department - Division of Purchasing)
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the bids were opened.

Audit Reports

Disposition: Temporary Record. Retain 6 years after end of the fiscal year in which the records were created.

Administering Internal Operations: Managing Human Resources

Position Classification Files

Disposition: Temporary Record. Retain 4 years after position is reclassified.

Application Materials

Disposition: Temporary Record. Retain 1 year.

Records documenting payroll (e.g. pre-payroll reports, payroll check registers)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting payroll deduction authorizations

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

Records documenting payroll deductions for tax purposes (including Form 941)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting an employee's work history - generally maintained as a case file

Disposition: Temporary Record. Retain 6 years after separation of employee from the agency.

Records documenting employees' daily and weekly work schedules

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting an employee's hours worked, leave earned, and leave taken (including time sheets)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting an employee's work history, generally maintained as a case file

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting sick leave donations

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records of final leave status (cumulative leave)

Disposition: Temporary Record. Retain 6 years after separation of employee from the agency.

Employee Flexible Benefits Plan Files

- a. General information

Disposition: Temporary Record. Retain until superseded.

- b. Other (applications, correspondence)

Disposition: Temporary Record. Retain 6 years after termination of participation in program.

State Employee Injury Compensation Trust Fund Files

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

Administering Internal Operations: Managing Properties, Facilities, and Resources

SEMIANNUAL INVENTORY LISTS

Disposition: PERMANENT RECORD. Retain in office (Code of Alabama 1975 § 36-16-8 [1]).

Transfer of State Property Forms (SD-1) (Agency copies)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Property Inventory Cards and/or Computer Files

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the items were removed from inventory.

Receipts of Responsibility for Property

Disposition: Temporary Record. Retain until return of item to property manager.

Real Property Leasing/Renting Records

Disposition: Temporary Record. Retain 6 years after expiration of the lease.

Facilities/Building Security Records (including visitor logs)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Motor Pool Vehicle Use Records

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Insurance Policies/Risk Management Records

Disposition: Temporary Record. Retain 6 years after termination of policy or membership.

Building Maintenance Work Orders

Disposition: Temporary Record. Retain 1 year.

Approval of Records Disposition Authority (RDA)

By signing this agreement, the Alabama Board of Cosmetology acknowledges its responsibilities for the proper management of its records and agrees to abide by the implementation guidelines listed below:

- The Alabama Board of Cosmetology will designate a managerial position as the agency records officer. This position is responsible for: ensuring the development of quality record keeping systems that meet the business and legal needs of the agency, coordinating the transfer and destruction of records, ensuring that permanent records held on alternative storage media (such as microforms and digital imaging systems) are maintained in compliance with national and state standards, submitting an annual report on records management activities to the State Records Commission in January of each year, and ensuring the regular implementation of the agency's approved RDA.
- Permanent records in the Alabama Board of Cosmetology's custody will be maintained under proper intellectual control and in an environment that will ensure their physical order and preservation.
- Destruction of temporary records, as authorized in this RDA, should occur agency-wide on a regular basis--for example, after the successful completion of an audit, at the end of an administration, or at the end of a fiscal year. Despite the RDA's provisions, no record should be destroyed that is necessary to comply with requirements of the state Sunset Act, audit requirements, or any legal notice or subpoena.
- The Alabama Board of Cosmetology should maintain full documentation of any computerized record-keeping system it employs. It should develop procedures for: (1) backing up all permanent records held in electronic format; (2) storing a back-up copy off-site; and (3) migrating all permanent records when the system is upgraded or replaced. If the agency chooses to maintain permanent records solely in electronic format, it is committed to funding any system upgrades and migration strategies necessary to ensure the records' permanent preservation and accessibility.
- The Alabama Board of Cosmetology agrees to allow the staff of the State Records Commission or the Examiners of Public Accounts to examine the condition of the permanent records maintained in the custody of the agency and to inspect records destruction documentation. Government Records Division archivists are available to train the agency's staff in RDA implementation and otherwise assist the agency in implementing its records management program.

The State Records Commission adopted this records disposition authority on July 21, 2004.

Edwin C. Bridges, Chairman
State Records Commission

Date

By signing below, the agency acknowledges receipt of the retention periods and requirements established by the records disposition authority.

David B. Starnes, Executive Director
Alabama Board of Cosmetology

Date